

# PUBLIC SUBMISSION

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Draft Chesapeake Bay Total Maximum Daily Load

**Comment On:** EPA-R03-OW-2010-0736-0001  
Clean Water Act Section 303(d): Notice for the Public Review of the Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay

**Document:** EPA-R03-OW-2010-0736-0183  
Comment submitted by James N. Owens, Harvey Lindsay Commercial Real Estate

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## Submitter Information

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## General Comment

- o The pollutant allocations in the WIP for the urban/suburban and all other sectors should be returned to the levels recommended by the Secretary's Stakeholders Advisory Group (SAG). The revised WIP should restore equity to the allocations as recommended by the SAG which already require significant reductions for all sectors except Wastewater Treatment Plants (WTPs).
- o Any additional pollutant allocations required by EPA should be assigned on the basis of the cost-effectiveness and cost-benefit in pollutant reductions achievable by available Best Management Practices (BMPs). Recommend that they consider the cost-effectiveness and cost-benefit data prepared by Mike Rolband of Wetland Studies and Solutions.
- o The Virginia WIP submitted to EPA in September fails to take into account cost-effectiveness. Urge Virginia to use available data to take it into account in their revised WIP. The draft WIP unfairly shifts additional burdens onto the urban/suburban, on-site septic and agriculture sectors while reducing the contribution from WTPs to virtually no increase going forward. The BMPs required by the urban suburban sector to meet this shift are documented by Mike Rolband to be more than 10 times more expensive than available WTP technologies that could be phased-in with EPA approval over the full 15 year TMDL implementation period.
- o The additional allocations required by the draft TMDL after returning to the equitable distribution recommended by the SAG should be met through WTPs. The urban/suburban sector will have to pay these WTP costs as well but at far less cost than requiring urban retrofits beyond the levels already included in the SAG WIP. The greatest burden of this requirement for additional urban retrofits will fall on VDOT and therefore the state itself.
- o The revised WIP should clarify Virginia's commitment to legislation that will prohibit the sale of fertilizer with phosphorus in Virginia except under limited circumstances.